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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
2008 JAN 22 AM 10: 50

UNITED STATES OF AMERICA,	)	Magistrate Docket No. **'08 MJ 0170**
Plaintiff,	)	
v.	)	COMPLAINT FOR VIOLATION OF:
Jose ALCALA-Equihua,	)	Title 8, U.S.C., Section 1326 Deported Alien Found in the United States
Defendant	)	

The undersigned complainant, being duly sworn, states:

On or about **January 20, 2008** within the Southern District of California, defendant, **Jose ALCALA-Equihua,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **22nd** DAY OF **JANUARY 2008.**

Jan M. Adler
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Jose ALCALA-Equihua

PROBABLE CAUSE STATEMENT

I declare under the penalty of perjury that the following statement is true and correct:

On January 20, 2008, Border Patrol Agent K. Reale was performing line watch duties in the Chula Vista Station's area of responsibility. Agent Reale received a call via Service radio from Border Patrol Agent S. Crudale, the Infrared Scope Operator, who observed a group of suspected illegal aliens north of the United States/Mexico International border near an area known as "675 Hump". The "675 Hump" is located approximately two miles east of the Otay Mesa, California, Port of Entry and 1/4 of a mile north of the United States/Mexico International Border. Agent Reale responded to the area where the individuals were last seen and began searching the area.

After a brief search, Agent Reale encountered five individuals attempting to conceal themselves in some brush. Agent Reale approached the individuals, identified herself as a United States Border Patrol Agent, and questioned the individuals as to their citizenship. When asked of what country they were citizens of, all of the individuals, including an individual later identified as the defendant **Jose ALCALA-Equihua**, answered "Mexico". The defendant and the other individuals were asked if they had any immigration documents allowing them to be or remain in the United States legally and they all answered "No". At approximately 2:30 a.m., the defendant and the other individuals were arrested and transported to the Chula Vista Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **January 25, 1995** through **Calexico, California.** These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

Executed on January 21, 2008 at 10:00 a.m.

Carlos R. Chavez
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of **2** page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on **January 20, 2008,** in violation of Title **8**, United States Code, Section **1326**.

Jan M. Adler
United States Magistrate Judge

1/21/08 @ 10:33 a.m.
Date/Time